

12 CV 04268

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORKAnthony Bennett

(In the space above enter the full name(s) of the plaintiff(s).)

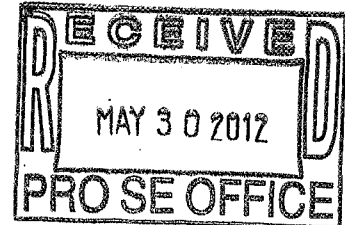
-against-

City of New York et alNew York City of Dept of CorrsJame Doe

## COMPLAINT

under the  
Civil Rights Act, 42 U.S.C. § 1983  
(Prisoner Complaint)Jury Trial: ☒ Yes ☐ No  
(check one)

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)



## I. Parties in this complaint:

- A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff

Name

Anthony Bennett

ID #

Current Institution

Address

82 Wadsworth AVE Apt 41  
New York, N.Y 10033

- B. List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name City of New York Shield # \_\_\_\_\_  
 Where Currently Employed \_\_\_\_\_  
 Address \_\_\_\_\_

Defendant No. 2 Name New York City of Dept of Corrs Shield # \_\_\_\_\_  
 Where Currently Employed \_\_\_\_\_  
 Address \_\_\_\_\_

Defendant No. 3 Name Jane Doe Shield # \_\_\_\_\_  
 Where Currently Employed 125 White Street  
 Address 125 White Street N.Y.C 10013

Defendant No. 4 Name \_\_\_\_\_ Shield # \_\_\_\_\_  
 Where Currently Employed \_\_\_\_\_  
 Address \_\_\_\_\_

Defendant No. 5 Name \_\_\_\_\_ Shield # \_\_\_\_\_  
 Where Currently Employed \_\_\_\_\_  
 Address \_\_\_\_\_

## II. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

- A. In what institution did the events giving rise to your claim(s) occur? Manhattan - Detention Complex 125 White Street N.Y.C
- B. Where in the institution did the events giving rise to your claim(s) occur? 8 East
- C. What date and approximate time did the events giving rise to your claim(s) occur? 9-19-2010 3:15 3:45 and 8:00 8:30

D. Facts: On 9-19-2010 on 8 east in the Manhattan House of Detention 125 White Street N.Y.C. A Correctional Officer. They call Ms. C. The Inmate call her that because her name is hard to say. She call me a Black Mother fucking nigger. And she is a White C.O. That work for D.O.C. and that is unprofessional for a C.O. and is Race to call a Black inmate a nigger. She also took my pin number so I can't make any phone call to my Lawer my mother How was 90 yrs old at the time I can't call the I.G. to file a complaint. She didn't let me out of my cell to eat on time my cell is 2 so I can hear her tell the inmate to put a Tray away for me. Then she make her round and look in my cell and keep on walking. She did not let me out until 4:30 pm. She did that on purpose so I can knock on the door, the inmate said, wind I got out to eat the say that how she is get you all upset, they get out at 4:00 pm to eat she let me out at 4:30 pm. She had just come back off vacation, that was her first day back. She work 3 days a week in (8E) She work the 3<sup>00</sup> pm to 11<sup>00</sup> pm. I had to use a Inmate phone to call the I.G. She also try to get the inmate bet me up by taking the t.v. from them and telling them it my forced the t.v. is off that hom they get inmate to bet up over inmate. I was Scaled to take a Shower, She put on my floor cord didn't give a pin number, C.O. the Next day Showe me the floor in the right corner it said don't give pin number the 15 how I call my Lawer a Family

What happened to you?

Who did what?

Was anyone else involved?

Who else saw what happened?

### III. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received. mental and emotional injury and Fear  
Libel all 30 main Knock

### IV. Exhaustion of Administrative Remedies:

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes ☒ No ☐

If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

\_\_\_\_\_

\_\_\_\_\_

B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

Yes ☒ No ☐ Do Not Know ☐

C. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claim(s)?

Yes ☐ No ☐ Do Not Know ☒

If YES, which claim(s)? \_\_\_\_\_

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose?

Yes ☒ No ☐

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes ☐ No ☐

E. If you did file a grievance, about the events described in this complaint, where did you file the grievance?

1. Which claim(s) in this complaint did you grieve? all

2. What was the result, if any? Do not know

3. What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process. I wrote to P.L.S To find

out what to do D.O.C did not answer me

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here: \_\_\_\_\_

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2. If you did not file a grievance but informed any officials of your claim, state who you informed, when and how, and their response, if any: \_\_\_\_\_

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- G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies. \_\_\_\_\_

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**Note:** You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

**V. Relief:**

State what you want the Court to do for you (including the amount of monetary compensation, if any, that you are seeking and the basis for such amount). monetary compensation \$ 500,000.00  
and punitive damage" Because of Discrimination to be  
Call Nigger should not be Accepted or Tolerated it is  
Recise

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**VI. Previous lawsuits:**On  
these  
claims

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes \_\_\_\_ No ☒

- B. If your answer to A is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another sheet of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff \_\_\_\_\_

Defendants \_\_\_\_\_

2. Court (if federal court, name the district; if state court, name the county) \_\_\_\_\_

3. Docket or Index number \_\_\_\_\_

4. Name of Judge assigned to your case \_\_\_\_\_

5. Approximate date of filing lawsuit \_\_\_\_\_

6. Is the case still pending? Yes \_\_\_\_ No \_\_\_\_

If NO, give the approximate date of disposition \_\_\_\_\_

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_On  
other  
claims

- C. Have you filed other lawsuits in state or federal court otherwise relating to your imprisonment?

Yes \_\_\_\_ No ☒

- D. If your answer to C is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff \_\_\_\_\_

Defendants \_\_\_\_\_

2. Court (if federal court, name the district; if state court, name the county) \_\_\_\_\_

3. Docket or Index number \_\_\_\_\_

4. Name of Judge assigned to your case \_\_\_\_\_

5. Approximate date of filing lawsuit \_\_\_\_\_

6. Is the case still pending? Yes \_\_\_\_ No \_\_\_\_

If NO, give the approximate date of disposition \_\_\_\_\_

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) \_\_\_\_\_

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 30 day of May, 2012

Signature of Plaintiff

Anthony Bennett

Inmate Number

Institution Address

82 Wadsworth AVE Apt 41  
New York, N.Y 10033

**Note:** All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

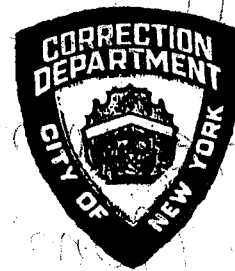
Signature of Plaintiff: \_\_\_\_\_



7 North



MANHATTAN DETENTION COMPLEX  
125 WHITE STREET  
N.Y., N.Y., 10013



NEW YORK CITY  
DEPARTMENT OF CORRECTION

**INMATE VOLUNTARY STATEMENT FORM**

INMATE'S NAME: Bennett, Anthony B&C# 34910

DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ LOCATION: \_\_\_\_\_

I HEREBY ACKNOWLEDGE THAT THE ABOVE STATEMENT MADE TO

Gillman

CAPT

369

NAME

RANK

SHIELD

IS MADE VOLUNTARILY AND OF MY OWN FREE WILL WITHOUT PROMISE OR HOPE OF REWARD, OR UNDER ANY THREAT OF PHYSICAL HARM OR FEAR OF SUCH.

on-9-19-2010 on 8E the office call me the N word and a B-m-F. with is unprofessional for a Office the not only did she call me the N word she also take my pin number so I can not call the I-G or my Lawer to fell a complaint she then write me up and more me off 8E the Next day and she did not let me out on time for call to eat there got out at 400 she let me out at 430pm she also put on my Room Card not to give me a pin number my pin number did not can on intell 150 the Next day because the cip said to get me a pin Number

INMATE'S SIGNATURE: Anthony Bennett 349-10-14641

WITNESSED BY: Capt 369



I had to use a inmate phone so I can  
 call I.I.G. She also try to have  
 the inmate bet me up by ~~so~~ taking the  
 TV from them her Name are what they  
 call her is Mrs C, she work 3 day  
 a week in 8E and that was her Frist  
 day Back. She work 3<sup>00</sup>pm to 11<sup>00</sup>pm tour

all of this start at about 800 830pm  
 And the date I have on my Grievance is wor  
 the date is 9-19-2010 it was a Sunday

I do have witness that I will give to the  
 I Gr. I did give to my lawyer

The Cip did tell me to try 311 that day then my ~~Rim~~  
 Number did not work.

② Exhibits

~~Ref 18~~ Grievance 2 Exhibits  
On 9-18-2010 on RE The

Office call me the N word  
and a B-M-F with is one person  
for a effec. The not ~~at~~ did  
She call me the N word she  
also tell my pin number so  
I cannot call the T.G. or  
my lawyer to tell a complaint  
She then write me up and  
myre me off RE the next  
day and she did not let  
me out for mall on time  
She let me out at 430pm and  
mall store is at 400  
on the 9-18-2010 she also put  
on my foodcard do not give  
pin number my pin number  
I did not get until the  
New day at 730pm, C.C.

did call the T.G. 9-21-2010

C.C. to the I do have witness

The office they call

her Mrs C. She work

The 300 pm to 11pm

She also try

all of this she

To get the

at about 830pm

Inmate to bit

on RE 2-18-2010

me up. by taking

Andrew Bennett

The tv from then

349-10-14641

I was to take  
a 300000

C.C.

my Attorney and on my Food

Amber Baylen Card I said don't

C.C. To Grievance

get pin number

C.C. call Inspector General

for him

2012-05-19 2012-05-19

EXHIBIT  
AND  
HEARING REQUEST

TO  
FORMAL IGRC Committee  
of The  
NYC DEPARTMENT OF CORRECTION

11-16-2010

To the Inmate Grievance Review Committee

I submitted the attached grievance for informal review by the IGRC. As provided in D.O.C. Directive 3375R, I am requesting a formal hearing before the IGRC to call witnesses to appear before the IGRC for the reasons stated below.

no reply received) It has been more than five working days since I submitted my grievance to the IGRC and I have not received a response. I deem my grievance to have been constructively denied by the lack of a response.

Please schedule a formal hearing and make a recommendation on my grievance within three working days.

Anthony Bennett  
Anthony Bennett  
349-10-14641

Anthony Bennett  
Marcy Correctional Facility  
Box 3600  
Marcy, N.Y. 13403-3600

Warden Rose Agro  
Houses of Detention  
125 White Street  
N.Y.C. 10013

Dated: 9-17-2012

Re: *Freedom of Information Law Request*

Dear Sir/Madam:

Under the provisions of the *New York Freedom of Information Law, Article 6, Public Officers Law, §84 et seq.*, requires that an agency respond to a request within five business days of receipt.

I hereby request copies of the following records: Capt Gillrow Shield 369  
in investigation of C.O. Call me a nigger, Black Mother fuck,  
and taking my pin number and a copy of Floor Card She wrote  
on. They call her MSC 9-19-2010 SE her name 3 to 11  
That also con from my Grievance it was a Sunday

If the fees for copying the requested records are in excess of \_\_\_\_\_, please inform me before filing the request. If the fees are \_\_\_\_\_ or less, please notify me and I will submit the proper payment.

If for any reason any portion of my request is denied, please inform me of the reasons for the denial in writing and provide the name and address of the person or body to whom an appeal should be directed. I await your reply.

Respectfully,

Anthony Bennett

cc: file

No repty



Anthony Bennett #11-A-1923  
Marcy Correctional Facility  
Box 3600  
Marcy, N.Y. 13403-3600

Board of Correction  
51 Chambers Street Rm 923  
New York, N.Y. 10007

Dated: 1-3-2012

Re: *Freedom of Information Law Request*

Dear Sir/Madam:

Under the provisions of the *New York Freedom of Information Law, Article 6, Public Officers Law, §84 et seq*, requires that an agency respond to a request within five business days of receipt.

I hereby request copies of the following records:

Copys of the investigation that the Legal aid Society ask for  
the C.O. name they call her Ms. C. She work 8E on 9-19-2010  
Copys of all investigation that can from the Grievance and a  
copy of the floorcard that she wrote on or my floorcard for 9-19-2010  
copy of Capt Gilliam Shield 369

If the fees for copying the requested records are in excess of ?,  
please inform me before filing the request. If the fees are ? or less, please  
notify me and I will submit the proper payment.

If for any reason any portion of my request is denied, please inform me of  
the reasons for the denial in writing and provide the name and address of the  
person or body to whom an appeal should be directed. I await your reply.

Respectfully,

Anthony Bennett

cc: file

2 C.C. File

No repty

Anthony Bennett  
Marcy Correctional Facility  
Box 3600  
Marcy, N.Y. 13403-3600

Warden Rose Agro  
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Respectfully,

Anthony Bennett

cc: file

no reply